



Town of Southern Shores

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Ordinance 2009-12-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL AMENDING CHAPTER 22 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the “Town”) may enact and amend ordinances for defining and abating nuisances and otherwise in the interest of the public's health, safety, morals and general welfare pursuant to North Carolina General Statutes § 160A-174; and

WHEREAS, the Town of Southern Shores owns and/or maintains canals and other waterways within its jurisdiction which must occasionally be dredged to ensure their navigability by the citizens and visitors of the Town; and

WHEREAS, dredging operations within the Town's jurisdiction will often be subject to time limitations and other permitting limitations set by various state and federal agencies outside of the Town's control; and

WHEREAS, any detriment caused to the public by the extension of hours and days beyond normal business hours and days for the dredging of the town owned and/or maintained canals and other waterways is outweighed by the public need for navigable waterways; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town's Code of Ordinances be amended as stated below.

Article II. Construction

For purposes of this Ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a “...” shall remain as they currently exist within the Town Code.

Article III. Amendment of Chapter 22 of the Town Code of Southern Shores

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

PART I. That Chapter 22 Section 22-3 be amended as follows:

Sec. 22-3. Noises prohibited.

...

(c) Noises and activity associated with the maintenance dredging of town owned and/or maintained canals or waterways at the town's direction shall not be considered to be unreasonably loud or otherwise considered to be a public nuisance so long as such noises and activities occur within time and day parameters set forth by resolution of the town

council. Upon application of the contractor performing such maintenance dredging to the town's code enforcement administrator showing the immediate need for extended working hours and/or days to perform maintenance dredging operations in compliance with the requirements of state or federal agencies, the code enforcement administrator may issue a written permit to the contractor setting such extended days and times as the administrator feels appropriate. Such permit shall be in effect until the next regularly scheduled meeting of the town council and shall remain in effect thereafter should town council not take any action to reduce the extended days and times.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance are held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, sections or other portions of this Ordinance shall remain in full force and effect.

Article V: Effective Date

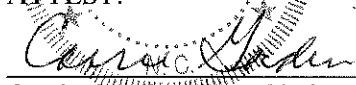
This Ordinance is effective immediately upon adoption.

Adopted this the 9th day of December 2009.

S. E. A. L.

SEAL

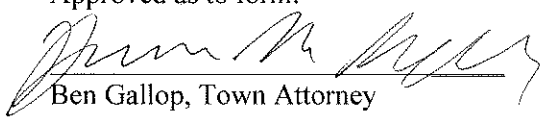
ATTEST:


Carrie Gordin, Town Clerk


Haz Denny, Mayor

VOTE: 5 Aye 0 Nay

Approved as to form:


Ben Gallop, Town Attorney